



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

APR 14 1988

John Nelson, President
Nelson Electrical Company, Inc.
1010 Holly Springs Avenue
Richmond, Virginia 23224

Re: Docket No. TSCA-III-220

Dear Mr. Nelson:

In order to prepare fully for the hearing in the above captioned case, and to allow the hearing to be conducted as efficiently as possible, the U.S. Environmental Protection Agency (EPA) requests by this letter the informal discovery of certain facts and documents. I am hopeful that your full response to this request will permit us to avoid the need to seek formal discovery under the Rules of Practice, as per 40 C.F.R. § 22.19(f).

Financial Documents

Please submit copies of all documents that Nelson Electrical Co. will attempt to introduce at hearing relating to the financial condition of the company. Please provide a statement of any financial data that your intended witnesses, Robert Gary, CPA and William W. Nelson will attempt to introduce verbally, to the extent that such data is not explicit in the documents to be introduced.

I recall to your attention that this information has been requested by the previous EPA attorney in this case, Katherine Shine, on November 23, 1987, and on several occasions since. I shall object to the introduction of any material not provided to the EPA before the hearing, pursuant to 40 C.F.R. § 22.19(b).

The following questions represent an attempt to clarify your position on certain elements of the Complaint. Your response should be "admit" or "deny" to each of the specific assertions made in those paragraphs, unless you set forth in detail the reasons why you cannot truthfully admit or deny the specific assertion contained in each paragraph.

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Request for admissions as to
Count I

1. Please state whether you admit or deny that a fifty five gallon drum containing approximately 180 ppm of PCBs was in storage at your facility from some time in 1981 until the May 14, 1986 EPA inspection.
2. If you admit Request for Admission No. 1, please state whether you admit or deny that the subject 55 gallon drum containing approximately 180 ppm PCBs was not marked with the date it was placed into storage, prior to the May 14, 1986 EPA inspection.

Request for admissions as to
Count II

3. Please state whether you admit or deny that a metal drum with an oily residue containing approximately 400,000 ppm of PCBs was present at your facility during the May 14, 1986 EPA inspection.

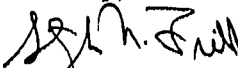
Request for admissions as to
Count III

4. Please state whether you admit or deny that the PCB marking label M₁, described at 40 C.F.R. § 7612.45(a), was not affixed to the fifty five gallon drum containing approximately 180 ppm PCBs (described as Drum A in the Complaint), nor to the PCB storage area at your facility, at the time of the May 14, 1986 EPA inspection.

In order to permit proper prehearing preparation, please submit your response to this letter to me within ten days of your receipt of this letter. Please be advised that your responses may be used at hearing. They may also be used in support of a motion for accelerated decision.

Feel free to contact me if you have any questions about this informal discovery request.

Sincerely,



Stephen N. Field
Assistant Regional Counsel

AR100050

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies were mailed
first class mail, postage prepaid, to the following persons:

Honorable J.F. Greene
Administrative Law Judge (A-110)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

John Nelson, President
Nelson Electrical Co., Inc.
1010 Holly Springs Avenue
Richmond, Virginia 23224

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Date



Stephen N. Field
Assistant Regional Counsel

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